

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**CALVIN HYDER,** §  
Plaintiff, §  
§  
VS. § C.A. NO. C-06-219  
§  
**SECURITY GUARD CHRISTOPHER** §  
**PAYNE, ET AL.** §  
Defendants. §

**ORDER TO SEVER AND ASSIGN MISCELLANEOUS NUMBER**

Movant is an inmate in the Texas Department of Criminal Justice - Institutional Division, and is currently incarcerated at the Telford Unit in New Boston, Texas. Proceeding *pro se*, plaintiff/movant filed a civil rights action complaining that officers at the McConnell Unit in Beeville violated his constitutional rights when pursuing criminal charges against him. He also requested that the officers be charged with federal criminal offenses. The lawsuit was later voluntarily dismissed by the plaintiff and final judgment was entered June 26, 2006 (D.E. 10). Before the dismissal, plaintiff filed a motion to change the venue of his Bee County criminal proceedings to federal court (D.E. 8). The motion was denied because his case had been voluntarily dismissed (D.E. 11). Plaintiff was advised he could file a new lawsuit, subject to the PLRA (D.E. 11).

On December, 1, 2006, plaintiff/movant filed a pleading against the TDCJ-CID director again requesting venue for his Bee County criminal case be transferred to federal

court (D.E. 13). In his pleading plaintiff does not refer to this case by heading or by case number. Though the Clerk filed the pleading in the above-referenced case file, it appears that plaintiff/movant intended for his pleading to be treated as a new proceeding. Accordingly, the Clerk is ordered to sever the motion, title it Calvin Hyder, Petitioner, v. TDCJ-CID Director, Respondent, and assign it a miscellaneous number. To the extent plaintiff seeks relief in this case, the Clerk shall terminate it as moot. Plaintiff's motion will be addressed after it is assigned a miscellaneous number.

ORDERED this 2<sup>nd</sup> day of January, 2007.



B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE